

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 235A.14(1), the Department of Human Services proposes to amend Chapter 175, "Abuse of Children," Iowa Administrative Code.

The proposed amendments:

- Change the retention period for records of rejected child abuse intakes from six months to three years;
- Establish that records of rejected child in need of assistance intakes shall be retained for the same amount of time; and
- Add the number of the safety plan form.

Vulnerable children will have the potential of increased safety if records are retained for a longer period of time. For a caretaker who is alleged to have abused or neglected a child, retention of records when the allegation was insufficient to warrant intervention by the Department means that the caretaker has a longer window of jeopardy of being investigated for abuse or neglect. These records could be referenced to determine if there is sufficient cumulative information that meets the criteria for an intake to be accepted for a child abuse or child in need of assistance assessment.

These amendments do not provide for waivers in specified situations because retention of these records is intended to increase children's safety.

Any interested person may make written comments on the proposed amendments on or before October 27, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code chapter 235A.

The following amendments are proposed.

ITEM 1. Amend rule 441—175.24(232) as follows:

**441—175.24(232) Child abuse assessment intake process.** The primary purpose of intake is to obtain available and pertinent information regarding an allegation of child abuse and determine whether a report of child abuse becomes a case or a rejected intake.

**175.24(1)** To result in a case, the report of child abuse must include some information to indicate all of the following. ~~The alleged:~~

- ~~1. Victim of child abuse is a child.~~
- ~~2. Perpetrator of child abuse is a caretaker.~~
- ~~3. Incident falls within the definition of child abuse.~~
  - a. The alleged victim of child abuse is a child.
  - b. The alleged perpetrator of child abuse is a caretaker.
  - c. The alleged incident falls within the definition of child abuse.

**175.24(2)** Only mandatory reporters or the person making the report may be contacted during the intake process to expand upon or to clarify information in the report. Any contact with subjects of the report or with nonmandatory reporters, other than the original reporter, automatically causes the report of child abuse to be accepted for assessment.

**175.24(3)** When it is determined that the report of child abuse fails to constitute an allegation of child abuse, the report of child abuse shall become a rejected intake. Rejected intake information shall be maintained by the department for ~~six months~~ three years from the date the report was rejected and shall then be destroyed.

**175.24(4)** The county attorney shall be notified of all reports of child abuse. When a report of child abuse is received which does not meet the requirements to become a case, but has information about illegal activity, the department shall notify law enforcement of the report.

**175.24(5)** When it is determined that a report of a child needing the assistance of the court fails to meet the definition of “child in need of assistance” in Iowa Code section 232.2(6), the report shall become a rejected child in need of assistance intake. The department shall maintain the report for three years from the date the report was rejected and shall then destroy it.

ITEM 2. Amend subrule **175.27(3)**, introductory paragraph, as follows:

**175.27(3)** *Report of assessment.* The child protection worker shall provide the county attorney and the juvenile court with a copy of Form 470-4133, Family Risk Assessment, and ~~Form~~ Forms 470-4132, Safety Assessment/Plan, Assessment, and 470-4461, Safety Plan, when any of the following occur: